

In the Court of Criminal Appeals of Texas

Matthew Joseph Allen,
Petitioner

V.

The State of Texas,
Respondent

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FILED
COURT OF CRIMINAL APPEALS
9/11/2019
DEANA WILLIAMSON, CLERK
No. PD-0203-19

Motion for Extension of Time to File State's Brief

Comes Now the State of Texas, by and through the Criminal District Attorney of Collin County, Greg Willis, and tenders, pursuant to Texas Rule of Appellate Procedure 38.6(d), this motion for an extension of time to file the State's brief. In support of this motion, the State would show the following:

I.

The trial court below is the 366th District Court of Collin County. The style and number of this case in the trial court below is *The State of Texas v. Matthew Joseph Allen*, 366-80447-2016. The style and number of this case in the appellate court below is *Matthew Joseph Allen*, 05-17-00226-CR.

II.

Appellant pleaded not guilty to, and a jury convicted him of, one count of continuous sexual abuse of a child under the age of fourteen and two counts of indecency with a child. The jury set punishment for continuous sexual abuse at thirty-five years' confinement and at five and ten years' confinement for the two counts of indecency with a child. The Dallas Court of Appeals reversed the trial court's judgment on Appellant's indecency with a child by exposure conviction and

affirmed his convictions for continuous sexual abuse of a child and indecency with a child by contact. *Allen v. State*, No. 05-17-00226-CR, 2018 WL 6065095 (Tex. App.—Dallas Nov. 20, 2018, pet. granted) (op. on reh'g) (not designated for publication). This Court granted Petitioner's Petition for Discretionary Review on June 26, 2019. Petitioner filed his brief on discretionary review on August 12, 2019.

III.

The State's brief was due on September 11, 2019. The State requests that it be granted a thirty-day extension until October 11, 2019. The State has not previously requested an extension of time in this case.

IV.

The case is not yet set for submission.

V.

Since the date Petitioner filed his brief on discretionary, the undersigned attorney has done significant work on, but not yet filed, the State's brief in *Tasha Leana Lomoglio*, No. 05-18-01091-CR.

In addition, the undersigned attorney is the primary attorney to respond to applications for writ of habeas corpus for the Collin County District Attorney's Office. Since the date Petitioner filed his brief, the undersigned attorney has filed the State's response in nine cause numbers, represented the State in a contested hearing at an 11.072 application for writ of habeas corpus in *Ex parte Dabral*, W380-83013-2018-HC, and prepared for a hearing in another 11.072 application for writ of habeas corpus to be held on September 12, 2019, in *Ex parte Ngyuen*,

W003-86419-2012-HC & W003-84573-2014-HC. The undersigned attorney has also done work to prepare for hearings to be held on 11.07 applications for writ of habeas corpus in *Ex parte Dunnington*, W296-80895-2013-HC (capital murder) and *Ex parte Shy*, W401-83185-06-HC2 (capital murder) to be held on September 19, 2019 and September 27, 2019, respectively.

Wherefore, premises considered, the State respectfully requests that the Court grant an extension of time for the State to file its brief until October 11, 2019.

Respectfully submitted,

GREG WILLIS

Criminal District Attorney
Collin County, Texas

JOHN R. ROLATER, JR.

Assistant District Attorney
Chief of the Appellate Division

/s/ Amy Sue Melo Murphy

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Certificate of Service

A true copy of this Motion for Extension of Time to File the State's Brief has been served on counsel for Appellant, Marc Fratter, mfratter@yahoo.com, and the State Prosecuting Attorney, Stacey.Soule@spa.state.tx.us, by electronic service on September 11, 2019.

/s/ Amy Sue Melo Murphy
Amy Sue Melo Murphy